

ONE HUNDRED FIFTEENTH CONGRESS
Congress of the United States
House of Representatives
COMMITTEE ON ENERGY AND COMMERCE
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WASHINGTON, DC 20515-6115
Majority (202) 225-2927
Minority (202) 225-3641
May 21, 2018

The Honorable Scott Pruitt
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington DC 20004

Dear Administrator Pruitt:

We are writing to request additional information regarding actions by Environmental Protection Agency (EPA) political appointees to block the release of a chemical hazard study focused on perfluorinated compounds (PFAS). EPA documents released this week appear to show that political appointees engaged with political staff at the White House to impede plans by the Agency for Toxic Substances and Disease Registry (ATSDR) to release an assessment of PFAS. We are deeply concerned that these actions appear to indicate that politics, and potentially industry interests, are being placed before public health.

PFAS are a class of chemical that the Department Of Defense (DoD) has used in firefighting exercises and by industry in the production of Teflon and Scotchguard, among other products.¹ The levels of these chemicals EPA has previously considered safe have been widely criticized.² These chemicals are persistent and toxic. EPA has found risks from these chemicals including cancer, immune effects, liver effects, and birth defects.³

¹ Environmental Protection Agency, Understanding PFAS in the Environment (Feb. 26, 2018) (www.epa.gov/sciencematters/understanding-pfas-environment).

² New Jersey Drinking Water Quality Institute – Health Effects Subcommittee, *Health-Based Maximum Contaminant Level Support Document: Perfluorooctane Sulfonate* (Nov. 15, 2017) (www.nj.gov/dep/watersupply/pdf/dwqi-pfos-mcl-draft.pdf).

³ Environmental Protection Agency, Fact Sheet: PFOA and PFOS Drinking Water Health Advisories (Nov. 2016)

Last week, you testified before Congress that you were “not aware that there had been some holding back of the report.”⁴ However, several top EPA political appointees, including your Chief of Staff Ryan Jackson, Dr. Nancy Beck, and Dr. Richard Yamada, appear to have participated in the effort.⁵ An email chain released through a Freedom of Information Act request suggests the effort began because the draft assessment by ATSDR found Minimal Risk Levels for several PFAS at levels much lower than EPA’s health advisory. In particular, a January 30, 2018 email states, in part: “[t]he public, media, and Congressional reaction to these new numbers is going to be huge. The impact to EPA and DOD is going to be extremely painful. We (DOD and EPA) cannot seem to get ATSDR to realize the potential public relations nightmare this is going to be.”⁶

The impacts of ATSDR’s assessment could also be significant for several chemical companies with responsibility for sites contaminated with PFAS, primarily DuPont, Chemours, and 3M. That is why we are concerned by an entry from Dr. Yamada’s calendar for the day after the email exchange cited above. On January 31, 2018 at 1 pm, it appears that Dr. Yamada attended a meeting entitled “ACC Cross-Agency PFAS Effort.”⁷ This could indicate that Dr. Yamada, and potentially other EPA political appointees, were meeting with outside stakeholders from the American Chemistry Council (ACC) to discuss the interagency process related to PFAS, and possibly their efforts to suppress the ATSDR assessment.

Prior to joining EPA, Dr. Beck worked at the ACC, a trade association representing the chemical industry and, according to EPA ethics officials, she had a covered relationship with the ACC under impartiality standards until April 21, 2018.⁸ Pursuant to the waiver provided Dr. Beck by EPA ethics officials, during this period she could not participate in any specific party matter involving ACC absent approval from EPA’s Office of General Counsel.⁹

⁴ *Pruitt Says he was Unaware of Interference with HHS Chemical Study*, Politico (May 16, 2018) (subscriber.politicopro.com/energy/article/2018/05/pruitt-says-he-was-unaware-of-interference-with-hhs-chemical-study-1230991).

⁵ E-mail from Dr. Richard Yamada to Nancy Beck, Deputy Assistant Administrator, Office of Chemical Safety and Pollution Prevention, Environmental Protection Agency (Jan. 30, 2018) (subscriber.politicopro.com/f/?id=00000163-5740-d92c-a17f-ffd412b90001).

⁶ *Id.*

⁷ Dr. Richard Yamada Calendar (Jan. 2018).

⁸ Memorandum from Kevin S. Minoli, Designated Agency Ethics Official and Principal Deputy General Counsel, to Nancy Beck, Ph. D., DABT, Deputy Assistant Administrator, Office of Chemical Safety and Pollution Prevention, Impartiality Determination to Participate in Litigation Related to the TSCA Risk Evaluation Rule, TSCA Prioritization Rule, and TSCA Inventory Notification (Active-Inactive) Rule (Jan. 11, 2018).

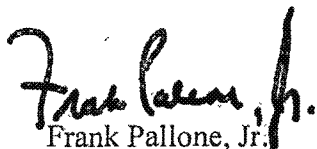
⁹ *Id.*


In order to more fully understand whether communications between EPA political appointees and chemical industry stakeholders were in compliance with all applicable ethics regulations and waivers, we request you respond to the following no later than June 4, 2018:

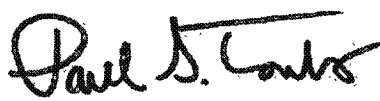
1. Please provide all email communications between Ryan Jackson, Dr. Richard Yamada, and Dr. Nancy Beck and any employee or representative of the American Chemistry Council, DuPont, Chemours, and 3M from January 20, 2017 to present.
2. Please provide a list of all meetings, including teleconferences, with representatives or employees of the American Chemistry Council, DuPont, Chemours, and 3M, in which Ryan Jackson, Dr. Richard Yamada, or Dr. Nancy Beck participated. For each meeting, provide a list of participants including name, title, and organizational affiliation, as well as the meeting date, time, location, agenda, and description of issues discussed.
3. Please provide any guidance from EPA's ethics officials authorizing Dr. Beck's participation in matters affecting the ACC, including but not limited to Dr. Beck's potential participation in the January 31, 2018 meeting with the ACC on cross-agency PFAS issues.
4. Please provide the name, title, and organizational affiliation of the individual who requested the January 31, 2018 meeting with the ACC on cross-agency PFAS issues.

Thank you for your immediate attention to this matter. Should you have any questions please contact Jon Monger of the Democratic Committee staff at (202) 225-3641.

Sincerely,


Frank Pallone, Jr.
Ranking Member


Diana DeGette
Ranking Member
Subcommittee on Oversight and
Investigations


Paul Tonko
Ranking Member
Subcommittee on Environment


Kathy Castor
Vice Ranking Member

The Honorable Scott Pruitt

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Cc: The Honorable Greg Walden, Chairman
The Honorable John Shimkus, Chairman, Subcommittee on Environment
The Honorable Gregg Harper, Chairman, Subcommittee on Oversight and Investigations
The Honorable Joe Barton, Vice Chairman